

SECTION 3. Section 2652.201, Insurance Code, is amended to read as follows:

Sec. 2652.201. GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION.

(a) The department may deny an application for a license or discipline an escrow officer under Sections 4005.102, 4005.103, and 4005.104 if the department determines that the applicant or license holder has:

- (1) wilfully violated this title;
- (2) intentionally made a material misstatement in the license application;
- (3) obtained or attempted to obtain the license by fraud or misrepresentation;
- (4) misappropriated or converted to the escrow officer's own use or illegally withheld money belonging to a title insurance agent, direct operation, or another person;
- (5) been guilty of fraudulent or dishonest practices;
- (6) materially misrepresented the terms and conditions of a title insurance policy or contract; or
- (7) failed to complete all educational requirements.

(b) *The department may not deny an application for a license or discipline an escrow officer under Section 4005.102, 4005.103, or 4005.104 solely because the individual resides in an adjacent state and acts as an escrow officer in this state as a bona fide employee of a title insurance agent or direct operation in this state.*

SECTION 4. This Act applies to an application to act as an escrow officer that is filed with the Texas Department of Insurance on or after the effective date of this Act. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2009.

Passed by the House on April 9, 2009: Yeas 148, Nays 0, 1 present, not voting; passed by the Senate on May 13, 2009: Yeas 31, Nays 0.

Approved May 26, 2009.

Effective September 1, 2009.

## CHAPTER 156

### H.B. No. 1203

#### AN ACT

relating to the designation of a person to act as the agent of a property owner in a property tax matter.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 1.111(b) and (i), Tax Code, are amended to read as follows:

(b) The designation of an agent must be made by written authorization *on a form prescribed by the comptroller under Subsection (h) and signed by the owner*, a property manager authorized to designate agents for the owner, or *another* ~~other~~ person authorized to act on behalf of the owner *other than the person being designated as agent*, and must clearly indicate that the person is authorized to act on behalf of the property owner in property tax matters relating to the property or the property owner. The designation may authorize the agent to represent the owner in all property tax matters or in specific property tax matters as identified in the designation. *The designation does not take effect with respect to an appraisal district or a taxing unit participating in the appraisal district until a copy of the designation is filed with the appraisal district.*

(i) An appraisal review board shall accept and consider a motion or protest filed by an agent of a property owner if an agency authorization is filed at or before the hearing on the motion or protest. *If an appraisal review board designates a time and place for appearance before a hearing, an agency authorization is considered to be filed at or before the hearing if a copy of the authorization is filed at the time and place designated by the board.*

SECTION 2. The change in law made by this Act applies only to a designation of an agent that is made on or after the effective date of this Act. A designation made before the effective date of this Act is governed by the law in effect when the designation was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 22, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 13, 2009: Yeas 31, Nays 0.

Approved May 26, 2009.

Effective May 26, 2009.

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## CHAPTER 157

### H.B. No. 1433

#### AN ACT

relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 26.0291(e), Water Code, is amended to read as follows:

(e) The commission by rule shall adopt a fee schedule for determining the amount of the fee to be charged. *Beginning September 1, 2009, the maximum amount of a fee under this section is \$100,000. On September 1 of each subsequent year, the commission shall adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics, or its successor in function. Notwithstanding any adjustment for inflation under this subsection, the [The] amount of the fee may not exceed \$150,000 [~~\$75,000~~] for each permit or contract and the [-The] maximum annual fee under this section for a wastewater discharge or waste treatment facility that holds a water right for the use of water by the facility is \$150,000 [~~may not exceed \$75,000~~].* In determining the amount of a fee under this section, the commission may consider:

- (1) waste discharge permitting factors such as flow volume, toxic pollutant potential, level of traditional pollutant, and heat load;
- (2) the designated uses and segment ranking classification of the water affected by discharges from the permitted facility;
- (3) the expenses necessary to obtain and administer the NPDES program;
- (4) the reasonable costs of administering the water quality management programs under Section 26.0135; and
- (5) any other reasonable costs necessary to administer and enforce a water resource management program reasonably related to the activities of the persons required to pay a fee under this section.

SECTION 2. This Act takes effect September 1, 2009.

Passed by the House on May 1, 2009: Yeas 93, Nays 46, 1 present, not voting; passed by the Senate on May 13, 2009: Yeas 28, Nays 3.

Approved May 26, 2009.

Effective September 1, 2009.